



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.03.2022

Coram:

THE HONOURABLE MR.MUNISHWAR NATH BHANDARI, Chief Justice
and

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

--

W.P.No.6163 of 2022

and

W.M.P.No.6238 of 2022

S.Nagarajan

.. Petitioner

Vs.

1. The District Collector,
Cuddalore District,
Cuddalore.

2. The Revenue Divisional Officer,
Cuddalore,
Cuddalore District.

3. The Thasildar,
Office of the Thasildar, Cuddalore,
Cuddalore,
Cuddalore District, Tamilnadu.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to close all illegal manufacturing of brick unit and excavating brick earth, quarry sand at Killijankuppam Panchayath, Cuddalore District and take appropriate action against the persons those who are illegally running manufacturing brick unit at Killijankuppam Panchayath, Cuddalore District.

For petitioner : Mr.P.R.Thiruneelakandan

For respondents: Mr.P.Muthukumar, State Govt. Pleader

ORDER

(The Order of the Court was made by The Honourable Chief Justice)

This Writ Petition (Public Interest Litigation (i.e. PIL)) has been filed alleging quarry of the sand by the manufacturers of the brick. A reference to the order passed by the District Revenue Officer, Cuddalore, in



Ma.Va.A.Mu.A.K.No.Na.Ka.3/2017, dated 10.03.2017, has been shown by the learned counsel for the petitioner, for the aforesaid.

2. The learned Government Pleader appearing for the respondents submitted that, earlier, the land owners were excavating the Earth for manufacture of the brick, but the same has been stopped for the last one year, because, out of three, two were not even having permission to excavate the Earth. For the last one year, nobody is excavating the Earth, but otherwise, against whom the allegations have been made, are not before the Court and that the Writ Petition suffers from non-joinder of necessary parties and the learned Government Pleader therefore prayed that the Writ Petition may be dismissed.

3. We have considered the submissions made by the learned counsel appearing for the parties and perused the materials available on record.

4. The allegation for excavation of the Earth is in reference to the order passed in the year 2017 referred to above. The period of five years has already passed and in the intervening period, as per the statement of the learned Government Pleader, now, nobody is removing or excavating the Earth.

5. In view of the above submissions of the learned Government Pleader and even otherwise, the Writ Petition suffers from non-joinder of necessary parties, because, none had been impleaded as party-respondents who are alleged to have been excavating the Earth. The excuse taken by the petitioner upon his innocence to know about the persons excavating the Earth, cannot be accepted. Any PIL has to be filed only after proper research and efforts so as to make the petition complete in all respects. It cannot be to cause a fishing enquiry through the Court.

6. For the reasons stated above, the Writ Petition suffers from non-joinder of necessary parties. Accordingly, this Writ Petition is dismissed. No costs. Consequently, W.M.P. is closed.

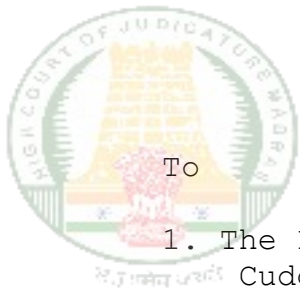
Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

CS



To

1. The District Collector,
Cuddalore District,
Cuddalore.

2. The Revenue Divisional Officer,
Cuddalore,
Cuddalore District.

3. The Thasildar,
Office of the Thasildar, Cuddalore,
Cuddalore,
Cuddalore District, Tamilnadu.

W.P.No.6163 of 2022

RSI(CO)
GN(28/03/2022)